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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,358	01/22/2001	Kenichi Ishii	P/1905-98	5153
2352	7590	12/08/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/744,358

Applicant(s)

ISHII ET AL.

Examiner

Christine Ng

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8 and 15 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 7 and 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 8, line 16 to page 9, line 4, filed August 23, 2004, with respect to the rejection(s) of claim(s) 1 and 5 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5,883,887 to Take et al.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, it is unclear whether or not the "remote radio station" (lines 5-6) is the same as the "destination radio station" (line 8).

Claim 1 recites the limitation "registered" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "registered" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "means for transmitting/receiving" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "means for transmitting/receiving" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,883,887 to Take et al.

Referring to claim 1, Take et al disclose in Figures 20 and 22 a radio communication apparatus (Figure 20, base station controller 1001) in a radio packet communication system constituted by a plurality of radio stations (mobile stations) and having a plurality of radio channels (Figure 20, RACH channel numbers CNs 1013), said radio communication apparatus (Figure 20, base station controller 1001) comprising:

Means (Figure 20, conversion table 1002) for storing a radio channel (Figure 20, CN 1013) used by a remote radio station (mobile station) and an address (Figure 20, TN 1011 and TA 1012) of said remote radio station (mobile station). Refer to Column 16, lines 1-8.

Means (Figure 20, base station controller 1001) for selecting (Figure 22, S1101-

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1102) a radio channel (Figure 20, CN2) that is registered and used by a destination radio station (mobile station TN2) identified by an address in a packet to be transmitted.

Refer to Column 16, line 61 to Column 17, line 16.

Means (Figure 20, segment reception/transmission function 1004) for transmitting (Figure 22, S1105) the packet by using the selected radio channel (Figure 20, CN2), wherein if the radio channel used by the destination radio station (mobile terminal TN2) for the packet to be transmitted is stored, the packet is transmitted by using the radio channel (Figure 20, CN2) used by the destination radio station (mobile station TN2). Refer to Column 15, lines 61-64 and Column 17, lines 3-32.

Referring to claim 5, Take et al disclose in Figures 20 and 21 that the apparatus further comprises means (Figure 20, conversion table 1002) for searching (Figure 21, S1005) for a radio channel (Figure 20, CN2 or CN3) used by a destination radio station (Figure 20, mobile station TN2) and registering (Figure 21, S1007) the found radio channel (Figure 20, CN3). Refer to Column 16, lines 18-32.

Referring to claim 15, Take et al disclose in Figures 20 and 22 a radio communication apparatus (Figure 20, base station controller 1001) in a radio packet communication system that comprises a plurality of radio stations (mobile stations) and having a plurality of radio channels (Figure 20, RACH channel numbers CNs 1013), wherein said apparatus (Figure 20, base station controller 1001) comprises:

A channel registration section (Figure 20, conversion table 1002) that stores an address (Figure 20, TN 1011 and TA 1012) of a radio station (mobile station) and an

associated radio channel (Figure 20, CN 1013) used by said radio station (mobile station). Refer to Column 16, lines 1-8.

A channel control section (Figure 20, base station controller 1001) that selects a radio channel (Figure 20, CN2) corresponding to a destination radio station address (Figure 20, TN2) in a packet to be transmitted. Refer to Column 16, line 61 to Column 17, line 16.

A radio transceiver (Figure 20, segment reception/transmission function 1004) that transmits the packet using the selected radio channel (Figure 20, CN2) if said destination radio station address (Figure 20, TN2) is stored. Refer to Column 15, lines 61-64 and Column 17, lines 3-32.

#### ***Allowable Subject Matter***

6. Claims 3, 6, 7 and 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

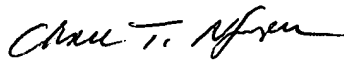
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng   
December 2, 2004

  
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